

ORDINANCE No.

119180

COUNCIL BILL No.

112327

Law Department

The City of

AN ORDINANCE relating to the impoundment of vehicles, amending Sections 11.30.040, 11.30.120, 11.30.160, 11.30.290 and 11.30.320 and adding a section to Chapter 11.30 of the Seattle Municipal Code.

COMPTROLLER FILE No.

Introduced: SEP 8 1998	By: PODLODOWSKI
Referred: SEP 8 1998	To: Public Safety, Health and Technology Committee
Referred:	To:
Referred:	To:
Reported: 10-12-98	Second Reading:
Third Reading: 10-12-98	Signed: 10-12-98
Presented to Mayor:	Approved: OCT 19 1998
Returned to City Clerk: OCT 20 1998	Published: <i>full</i> <i>6 pp.</i>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

Honorable President:

Your Committee on

to which was referred the within Council Bill, report that we have considered the

9-14-98 Full Council

(Excused)

9-21-98 Full Council

10-5-98 Full Council

10-12-98 Full Council
(No: St)

The City of Seattle--Legislative Department

Date Reported
and Adopted

REPORT OF COMMITTEE

to President:

Committee on

was referred the within Council Bill No.

that we have considered the same and respectfully recommend that the same:

TP, SD, amount 2-0

ticket requirement, no amount

ordinance never 2-0

-98 Full Council Action: Hold 1 week
(Excused: Drago)

-98 Full Council Action: Hold to 10/8/98 8-0

-98 Full Council Action: Hold to 10/12/98 8-0

-98 Full Council Action: Passed 8-1
(No: Steinbrueck)

Committee Chair

ORDINANCE **119/80**

AN ORDINANCE relating to the impoundment of vehicles, amending Sections 11.30.040, 11.30.120, 11.30.160, 11.30.290, and 11.30.320 and adding a section to Chapter 11.30 of the Seattle Municipal Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City adopts the legislative findings of Washington Laws of 1998, chapter 203, section 1.

Section 2. The City Council finds that parking on the public right-of-way is regulated to promote traffic safety, enhance the smooth flow of traffic and, in certain areas of high demand for parking such as business districts, to fairly allocate parking spaces among the public by limiting parking time. Parking is also metered or limited in business districts to facilitate commerce by promoting frequent turnover for shopping rather than commuter or long-term parking, as well as to generate revenue from the use of the public right-of-way. Although the great majority of those receiving parking tickets respond appropriately, some vehicles are repeatedly ticketed for uncontested parking violations which are then not paid. Not only do such repeated violations defeat the purposes of the parking regulations, but they also deprive the City of significant revenue. In 1997, vehicles with three or more delinquent parking tickets owed the City more than \$19 million in unpaid fines and penalties, including \$7.5 million accrued by vehicles with 13 or more delinquent parking tickets each. Further revenue is lost insofar as many of these violations reflect parking at meters that were thus unavailable to drivers who would have paid for their parking had the space been available. The magnitude and intractability of this parking scofflaw problem has made it a local situation calling for a solution that will remove these vehicles from the public right-of-way to allow others to make lawful use of available parking spaces. Because a substantial number of parking violations are accrued by chronic offenders whose violations remain delinquent despite efforts by the Municipal Court to collect unpaid fines it is necessary to authorize impoundment of illegally parked vehicles with multiple outstanding delinquent tickets in order to effectively enforce the City's parking regulations.

Section 3. Section 11.30.040 of the Seattle Municipal Code (Ordinance 108200 § 2 (11.30.040), as last amended by Ordinance 117306 § 3) is further amended to read as follows:

11.30.040 When a vehicle may be impounded without prior notice.

A. A vehicle may be impounded with or without citation and without giving prior notice to its owner as required in Section 11.30.060 hereof only under the following circumstances:

1. When the vehicle is impeding or is likely to impede the normal flow of vehicular or pedestrian traffic; or
2. When the vehicle is illegally occupying a truck, commercial load zone, bus, loading, hooded-meter, taxi, or other similar zone where, by order of the Director of Engineering or Chiefs of Police or Fire, parking is limited to designated classes of vehicles or is prohibited during certain hours, on designated days or at all times, and where such vehicle is interfering with the proper and intended use of such zones; or

3. When a vehicle without a special license plate, card, or decal indicating that the vehicle is being used to transport a disabled person as defined under Chapter 46.16 RCW, as now or hereafter amended, is parked in a stall or space clearly and conspicuously marked as provided in Section 11.72.065 A, as now or hereafter amended, whether the space is provided on private property without charge or on public property; or

4. When the vehicle poses an immediate danger to the public safety; or

5. When a police officer has probable cause to believe that the vehicle is stolen; or

6. When a police officer has probable cause to believe that the vehicle constitutes evidence of a crime or contains evidence of a crime, if impoundment is reasonably necessary in such instance to obtain or preserve such evidence; or

7. When a vehicle is parked in a public right-of-way or on other publicly owned or controlled property in violation of any law, ordinance, or regulation and there are ~~((three (3)))~~four (4) or more parking infractions issued against the vehicle for each of which a person has failed to respond, failed to appear at a requested hearing, or failed to pay an adjudicated parking infraction for at least forty-five (45) days from the date of the filing of the notice of infraction.

B. Nothing in this section shall be construed to authorize seizure of a vehicle without a warrant where a warrant would otherwise be required.

Section 4. Chapter 11.30 of the Seattle Municipal Code (Ordinance 108200, as amended) is further amended by adding the following section:

11.30.105 Impoundment of vehicle where driver is arrested for a violation of Section 11.56.320 or 11.56.340 -- Period of impoundment.

A. Whenever the driver of a vehicle is arrested for a violation of Section 11.56.320 or 11.56.340, the vehicle is subject to impoundment at the direction of a police officer.

B. If a vehicle is impounded because the driver is arrested for a violation of Section 11.56.320 D and the Washington Department of Licensing's records show that the driver has been convicted one (1) time of a violation of RCW 46.20.342 or similar local ordinance within the past five (5) years, the vehicle shall be impounded for fifteen (15) days.

C. If a vehicle is impounded because the driver is arrested for a violation of Section 11.56.320 D and the Washington Department of Licensing's records show that the driver has been convicted two (2) or more times of a violation of RCW 46.20.342 or similar local ordinance within the past five (5) years, the vehicle shall be impounded for thirty (30) days.

D. If a vehicle is impounded because the driver is arrested for a violation of Section 11.56.320 B or C and the Washington Department of Licensing's records show that the driver has not been convicted of a violation of RCW 46.20.342(1)(a) or (b) or similar local ordinance within the past five (5) years, the vehicle shall be impounded for thirty (30) days.

E. If a vehicle is impounded because the driver is arrested for a violation of Section 11.56.320 B or C and the Washington Department of Licensing's records show that the driver has been convicted one (1) time of a violation of RCW 46.20.342(1)(a) or (b) or similar local ordinance once within the past five (5) years, the vehicle shall be impounded for sixty (60) days.

F. If a vehicle is impounded because the driver is arrested for a violation of Section 11.56.320 B or C and the Washington Department of Licensing's records show that the driver has been convicted of a violation of RCW 46.20.342(1)(a) or (b) or similar local ordinance two (2) or more times within the past five (5) years, the vehicle shall be impounded for ninety (90) days.

Section 5. Section 11.30.120 of the Seattle Municipal Code (Ordinance 108200 § 2 (11.30.120), as last amended by Ordinance 117306 § 7) is further amended to read as follows:

11.30.120 Redemption of impounded vehicles.

Vehicles impounded by the City shall be redeemed only under the following circumstances:

A. Only the registered owner, a person authorized by the registered owner, or one who has purchased the vehicle from the registered owner, who produces proof of ownership or authorization and signs a receipt therefor, may redeem an impounded vehicle. A person redeeming a vehicle impounded pursuant to Section 11.30.105 must prior to redemption establish that he or she has a valid driver's license and is in compliance with Section 11.20.340. A vehicle impounded pursuant to Subsection 11.30.040 A7 or Section 11.30.105 can be released only pursuant to a written order from the police department or a court.

B. Any person so redeeming a vehicle impounded by the City shall pay the towing contractor for costs of impoundment (~~removal~~, towing, and storage) and administrative fee prior to redeeming such vehicle (~~((except as provided for by subsection C of this section))~~). Such towing contractor shall accept payment as provided in RCW 46.55.120(1)(b), as now or hereafter amended. If the vehicle was impounded pursuant to Section 11.30.105 and was being operated by the registered owner when it was impounded, it may not be released to any person until all penalties, fines, or forfeitures owed by the registered owner have been satisfied.

C. The Chief of Police is authorized to release a vehicle impounded pursuant to Section 11.30.105 prior to the expiration of any period of impoundment upon petition of the spouse of the driver, or the person registered pursuant to Ordinance 117244 as the domestic partner of the driver, based on economic or personal hardship to such spouse or domestic partner resulting from the unavailability of the vehicle and after consideration of the threat to public safety that may result from release of the vehicle, including, but not limited to, the driver's criminal history, driving record, license status, and access to the vehicle. If such release is authorized, the person redeeming the vehicle still must satisfy the requirements of Section 11.30.120 A and B.

D. ~~((C.))~~ Any person seeking to redeem a vehicle impounded as a result of a parking or traffic citation has a right to a ~~((Municipal Court))~~ hearing before an administrative hearings officer to contest the validity of an impoundment or the amount of ~~removal~~, towing, and storage charges or administrative fee if such request for hearing is in writing, in a form approved by the Chief of Police ~~((Municipal Court))~~ and signed by such person, and is received by the Chief of Police within ten (10) days (including Saturdays, Sundays, and holidays) of the latter of the date the notice was mailed to such person pursuant to Section 11.30.100 A or B, or the date the notice was given to such person by the registered tow truck operator pursuant to RCW 46.55.120(2)(a) ~~((Municipal Court within the time period specified in SMC Section 11.31.050 A, as now or hereafter amended))~~. Such hearing shall be provided as follows:

1. If all of the requirements to redeem the vehicle, including expiration of any period of impoundment under Section 11.30.105, have been satisfied, then ~~((In the event that the person seeking to redeem an impounded vehicle pays the costs of impoundment (towing and storage),))~~ the impounded vehicle shall be released ~~((to such person))~~ immediately and a hearing as provided for in Section 11.30.160 shall be held within ninety (90) days of the written request for hearing.

2. If not all of the requirements to redeem the vehicle, including expiration of any period of impoundment under Section 11.30.105, have been satisfied, then ~~((In the event that the person seeking to redeem an impounded vehicle does not pay the costs of impoundment (towing and storage),))~~ the impounded vehicle shall not be released ~~((to such person))~~ until after the hearing provided pursuant to Section 11.30.160, which shall be held ~~((Such person shall have the right to a hearing))~~ within two

(2) business days (excluding Saturdays, Sundays and holidays) (~~(((Monday through Friday)))~~) of the written request (~~((to the court))~~) for hearing.

3. Any person seeking a hearing who has failed to request such hearing within the time specified in Section 11.30.120 D (~~((SMC Section 11.31.050 A, as now or hereafter amended,))~~) may petition the Chief of Police (~~((Municipal Court))~~) for an extension to file a request for hearing. Such extension shall only be granted upon the demonstration of good cause as to the reason(s) the request for hearing was not timely filed. For the purposes of this section, good cause shall be defined as (~~((one (1) or more))~~) circumstances beyond the control of the person seeking the hearing that prevented such person from filing a timely request for hearing (~~((within the time specified in SMC Section 11.31.150 A, as now or hereafter amended))~~). In the event such extension is granted, the person receiving such extension shall be granted a hearing in accordance with this chapter.

4. If (~~((In the event))~~) a person fails to file a timely request for hearing and no (~~((within the time specified by SMC Section 11.31.050 A, as now or hereafter amended, and/or has not received an))~~) extension to file such a request has been granted, the right to a hearing is waived, the impoundment and the associated costs of impoundment and administrative fee are deemed to be proper, and (~~((for such hearing as provided in this section,))~~) the City shall not be liable for removal, towing, and storage charges arising from the impoundment.

5. In accordance with RCW 46.55.240(1)(d), a decision made by an administrative hearings officer may be appealed to Municipal Court for final judgment. The hearing on the appeal under this subsection shall be de novo. A person appealing such a decision must file a request for an appeal in Municipal Court within fifteen (15) days after the decision of the administrative hearings officer and must pay a filing fee in the same amount required for the filing of a suit in district court. If a person fails to file a request for an appeal within the time specified by this section or does not pay the filing fee, the right to an appeal is waived and the administrative hearings officer's decision is final.

Section 6. Section 11.30.160 of the Seattle Municipal Code (Ordinance 108200 § 2 (11.30.160), as last amended by Ordinance 115634 § 3) is further amended to read as follows:

11.30.160 Post-impoundment hearing procedure.

Hearings requested pursuant to Section 11.30.120 shall be held by an administrative hearings officer, who (~~((in the municipal court, which court))~~) shall determine whether the impoundment was proper and whether the associated removal, towing, (~~((and/or))~~) storage, and administrative fees (~~((and/or special fees charged in such connection))~~) were proper. The administrative hearings officer shall not have the authority to determine the commission or mitigation of any parking infraction unless a timely response under Section 11.31.050 A was filed to that notice of infraction requesting a hearing and the hearing date for that infraction has not passed, in which case the administrative hearings officer has discretion to consolidate the impoundment hearing and the notice of infraction hearing.

A. At the hearing, an abstract of the driver's driving record is admissible without further evidentiary foundation and is prima facie evidence of the status of the driver's license, permit, or privilege to drive and that the driver was convicted of each offense shown on the abstract. In addition, a certified vehicle registration of the impounded vehicle is admissible without further evidentiary foundation and is prima facie evidence of the identity of the registered owner of the vehicle.

B. (~~((A-))~~) If the impoundment is found to be proper, the administrative hearings officer (~~((court))~~) shall enter an order so stating. In the event that the costs of impoundment (removal, towing, and storage) (~~((, and special fees))~~) and administrative fee have not been paid or any other applicable requirements of Section 11.30.120 B have not been satisfied or any period of impoundment under Section 11.30.105 has not expired, the administrative hearings officer's (~~((the court's))~~) order shall also provide that the

impounded vehicle shall be released only after payment to the City of any fines imposed on any ((the)) underlying traffic or parking infraction and satisfaction of any other applicable requirements of Section 11.30.120 B ((citation)) and payment of the costs of impoundment and administrative fee to the towing company and after expiration of any period of impoundment under Section 11.30.105. In the event that the administrative hearings officer ((court)) grants time payments, the City shall be responsible for paying the costs of impoundment to the towing company. The administrative hearings officer ((court)) shall grant time payments only in cases of extreme financial need, and where there is an effective guarantee of payment.

C. ~~((B-))~~ If the impoundment is found to be improper, the administrative hearings officer ((court)) shall enter an order so stating and order the immediate release of the vehicle. If the costs of impoundment and administrative fee have already been paid, the administrative hearings officer ((court)) shall enter judgment against the City and in favor of the person who has paid the costs of impoundment and administrative fee in the amount of the costs of the impoundment and administrative fee.

D. ~~((C-))~~ In the event that the administrative hearings officer ((court)) finds that the impound was proper, but that the removal, towing, storage, or administrative ((and/or special)) fees charged for the impoundment were improper, the administrative hearings officer ((court)) shall determine the correct fees to be charged. If the costs of impoundment and administrative fee have been paid, the administrative hearings officer ((court)) shall enter a judgment against the City and in favor of the person who has paid the costs of impoundment and administrative fee for the amount of the overpayment.

E. No determination of facts made at a hearing under this section shall have any collateral estoppel effect on a subsequent criminal prosecution and such determination shall not preclude litigation of those same facts in a subsequent criminal prosecution.

F. An appeal of the administrative hearings officer's decision in Municipal Court shall be conducted according to, and is subject to, the procedures of this section. If the court finds that the impoundment or the removal, towing, storage, or administrative fees are improper, any judgment entered against the City shall include the amount of the filing fee.

Section 7. Section 11.30.290 of the Seattle Municipal Code (Ordinance 117306 § 11) is amended to read as follows:

11.30.290 Contract for towing and storage -- Administrative ~~((Impound))~~ fee.

A. If a vehicle is impounded pursuant to Section 11.30.105, an administrative fee ~~((of (reserved) Dollars (\$ reserved)))~~ shall be levied when the vehicle is redeemed under the specifications of the contract provided for by Section 11.30.220.

B. If a vehicle is impounded pursuant to Subsection 11.30.040 A7, an administrative fee ~~((of (reserved) Dollars (\$ reserved)))~~ shall be levied when the vehicle is redeemed under the specifications of the contract provided for by Section 11.30.220.

C. If a vehicle is impounded other than pursuant to Subsection 11.30.040 A7 or Section 11.30.105, an administrative ((A)) fee ~~((of (reserved) Dollars (\$ reserved)))~~ shall be levied when the ((upon each)) vehicle is redeemed under the specifications of the contract provided for by ((SMC)) Section 11.30.220.

D. The administrative fee shall be collected by the contractor performing the impound, and shall be remitted to the Executive Services Department in the manner directed by the Finance Director and as specified in the contract provided by ((SMC)) Section 11.30.220 A. The administrative fee shall be for the purpose of offsetting, to the extent practicable, the cost to the City of implementing, enforcing, and administering the provisions of this chapter ~~((City's tow contract administration costs))~~ and shall be

deposited in an appropriate account. The administrative fee shall be set by rule by the Finance Director in an amount not to exceed One Hundred Dollars (\$100).

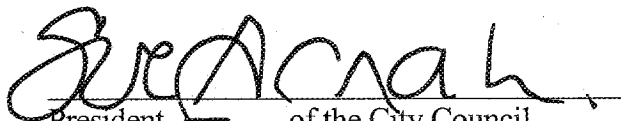
Section 8. Section 11.30.320 of the Seattle Municipal Code (Ordinance 108200 § 2 (11.30.320), as last amended by Ordinance 117169 § 131) is further amended to read as follows:

11.30.320 Rules and regulations.

The Finance Director and the Chief of Police are ((is)) authorized and directed to promulgate rules and regulations consistent with this chapter, the Charter of the City, and the Administrative Code of the City, to provide for the fair and efficient administration of any contract or contracts awarded pursuant to Section 11.30.220 and to provide for the fair and efficient administration of any vehicle impoundment, redemption, or release or any impoundment hearing under this chapter.

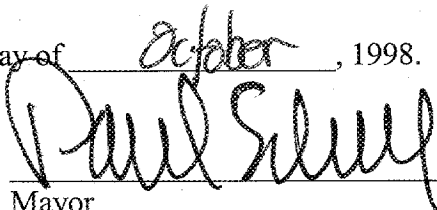
Section 9. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 12th day of October, 1998, and signed by me in open session in authentication of its passage this 12th day of October, 1998.



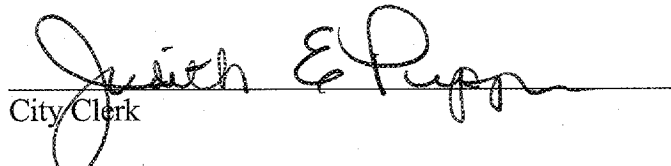
President _____ of the City Council

Approved by me this 19th day of October, 1998.



Mayor

Filed by me this 20 day of October, 1998.



City Clerk

(Seal)



City of Seattle

Paul Schell, Mayor

Office of the Mayor

RECEIVED

SEP 02 1998

TINA PODLODOWSKI
COUNCILMEMBER

September 1, 1998

Honorable Sue Donaldson, President
Seattle City Council
600 Fourth Avenue, 11th Floor
Seattle, WA 98104

Dear Council President Donaldson:

Attached for the Council's consideration is a proposed ordinance addressing two important and related problems; drivers who continue to drive despite suspension of their driver's license and those who continue to park illegally despite failing to respond to numerous prior parking tickets. Simply put, existing sanctions for these offenders have proven relatively ineffective and expensive to enforce. In both cases, we believe the answer lies in impounding the vehicle.

There are about 260,000 drivers in our state with suspended licenses. Many have been suspended for serious traffic crimes like drunk driving and many more for failure to pay their traffic tickets. The Traffic Safety Commission estimates that 75% of suspended drivers drive anyway. Worse yet, many are bad drivers, frequently uninsured. Suspended drivers are disproportionately involved in accidents and are four times more likely to be involved in a fatal accident than a licensed driver.

In addition to traffic safety risks, suspended drivers impose huge costs on our criminal justice system, comprising almost 30% of Municipal Court's criminal caseload (about 9,000 cases). More than half of those charged with Driving While License Suspended (DWLS) fail to appear for court, leading to arrest warrants and jail. In fact, booking on DWLS warrants is the single most common reason Seattle Police take people to jail. Add to the more than \$1 million annual jail costs, the police, prosecutor, court, and public defense costs associated with DWLS and the fiscal impact is clearly significant.

Last session, the Legislature authorized local governments, within certain parameters, to adopt ordinances providing for impoundment for a period of time of any vehicle driven by a suspended driver. The proposal we are submitting for your consideration is the product of an interdepartmental work group's efforts over the past few months. A summary of the ordinance is attached, but there are three simple underlying policy reasons for its adoption. First, "If you impound it, they will come." Impoundment is an immediate consequence that most people will want to avoid and when it occurs most people will do what is required to redeem their vehicles - such as pay their fines or make alternative arrangements with the court and get relicensed. Second, it is cheaper and more effective to lock up cars than to lock up people, particularly given scarce jail beds. Finally, it is simply unsafe to let suspended drivers drive away from the police with yet another ticket in their pocket to be ignored.



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Council President Donaldson

September 1, 1998

Page 2

We believe Seattle can achieve results comparable to those reported by four California cities one year after they implemented a similar law. Chronic suspended drivers whose vehicles were impounded for 30 days had 38% fewer accidents and 22% fewer traffic crimes over the following year than those who were not impounded. In addition to greater traffic safety, fine revenue should go up and criminal justice costs down - a winning combination for the taxpayers.

The proposed ordinance also provides for impoundment of illegally parked "scofflaw" vehicles. Municipal Court reports that of the \$31 million in delinquent parking fines owed to the City in 1997, \$19 million was assessed against vehicles with three or more delinquent tickets, including \$7.5 million accrued by vehicles with 13 or more delinquent parking tickets (one with 804 tickets!). And because scofflaws take up parking meter space without paying for it, revenue is further reduced. This is not only unfair to others looking for parking, it hurts our business districts which count on parking turnover to facilitate shopping.

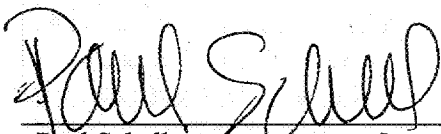
Here again we believe impoundment will change behavior for the better. The impact of being towed for a parking violation whenever the vehicle already has several delinquent parking tickets will break the cycle and induce many to pay their tickets or at least stop parking illegally. (Due to issues of state law, parking scofflaws [unlike DWLS] will not be required to pay off outstanding tickets in order to redeem their vehicles, but will have to pay the tow charges.)

The final fiscal analysis of the proposed ordinance will be available in time for the Council's budget deliberations, but we are confident that its impact will be at least neutral. Most of the implementation costs will be recovered through administrative fees paid by the vehicle owner in order to redeem the vehicle. Anticipated jail cost savings and increased traffic and parking fine revenue should be sufficient to cover other implementation costs.

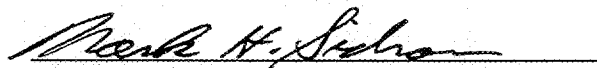
Finally, we believe that an important element of this new approach must be public education about the importance of responding to traffic and parking tickets and the consequences of failing to do so. We will be working with the State Traffic Safety Commission, Municipal Court, and the community to better inform the public about available options for those who receive tickets or owe fines and need help meeting their obligations. The one option those who continue to ignore their obligations will no longer have is driving their car.

We look forward to working with the Council to pass and implement these proposals.

Sincerely,



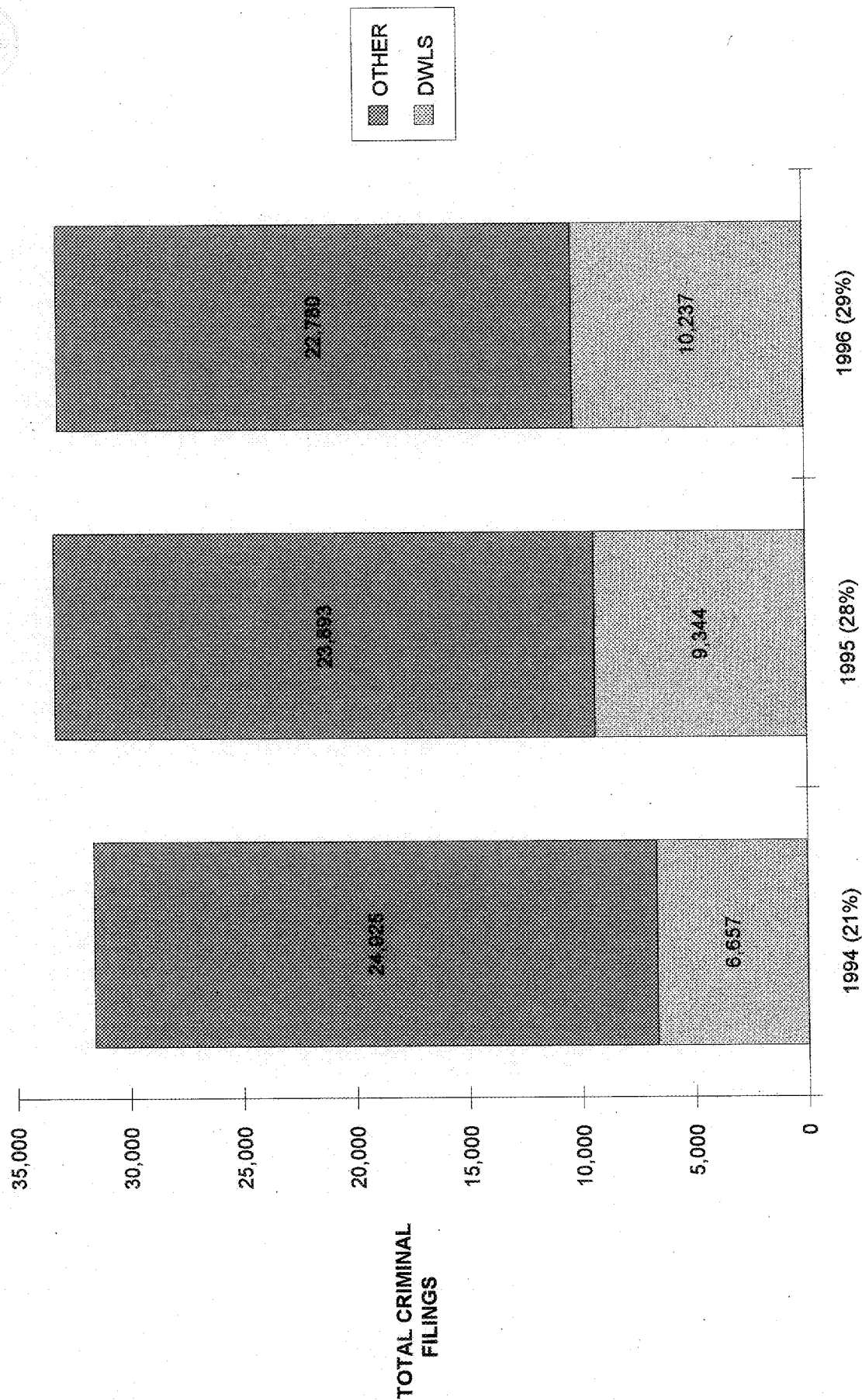
Paul Schell
Mayor



Mark H. Sidran
Seattle City Attorney

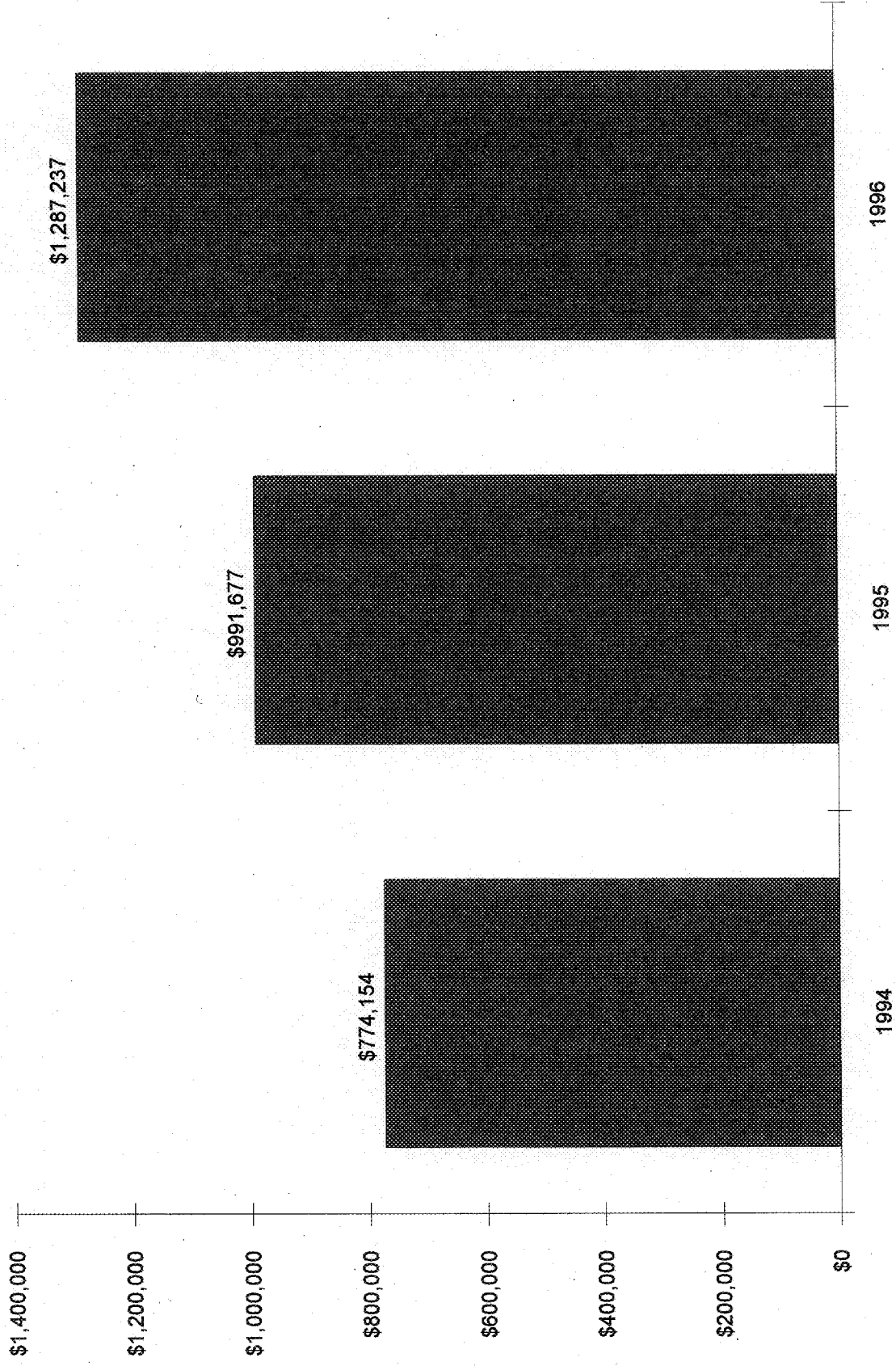


DWLS AS PERCENTAGE OF CRIMINAL FILINGS*



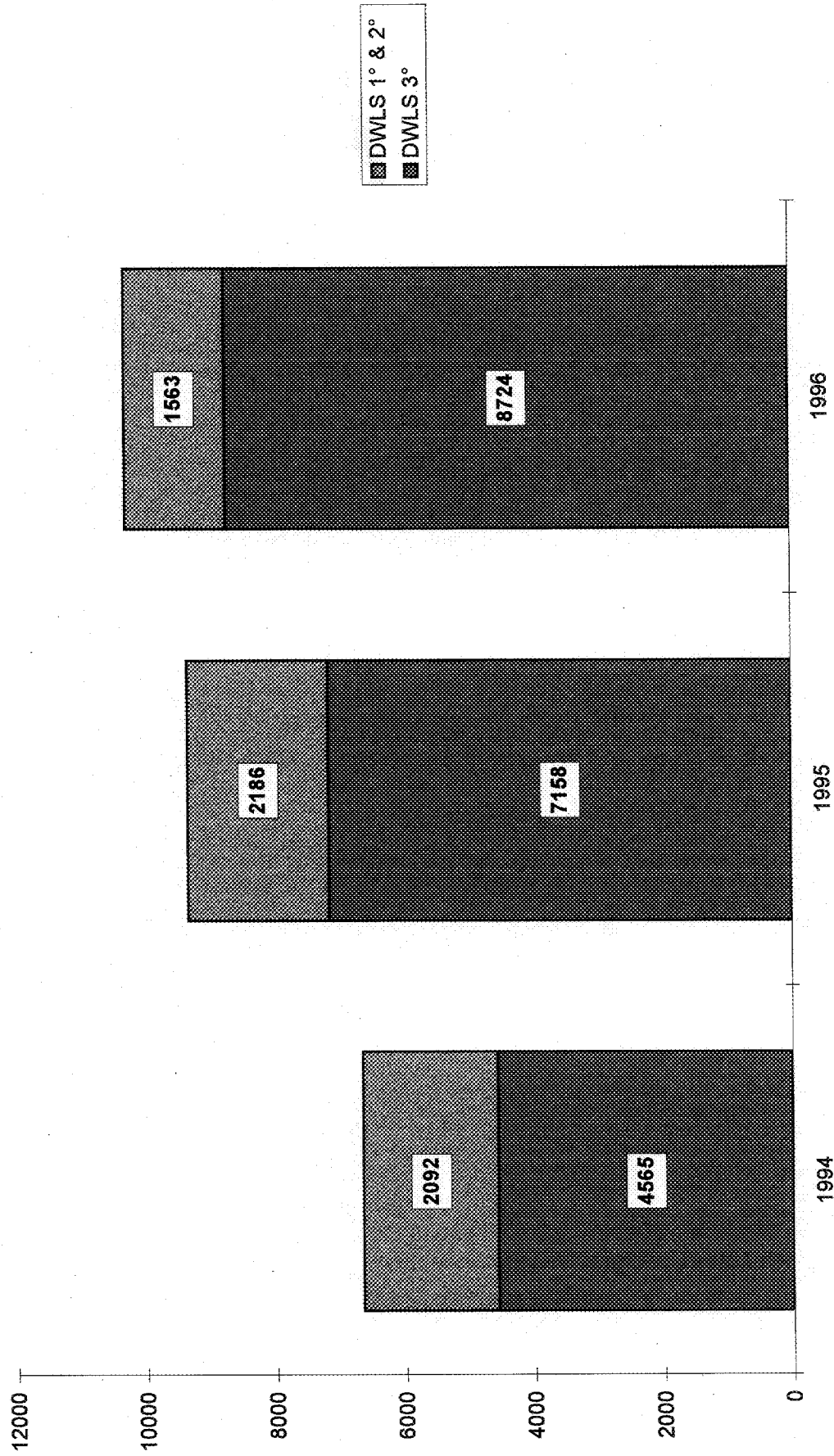
*City of Seattle Data Prepared by City Attorney's Office

DWLS ESTIMATED JAIL COSTS (SEATTLE)*



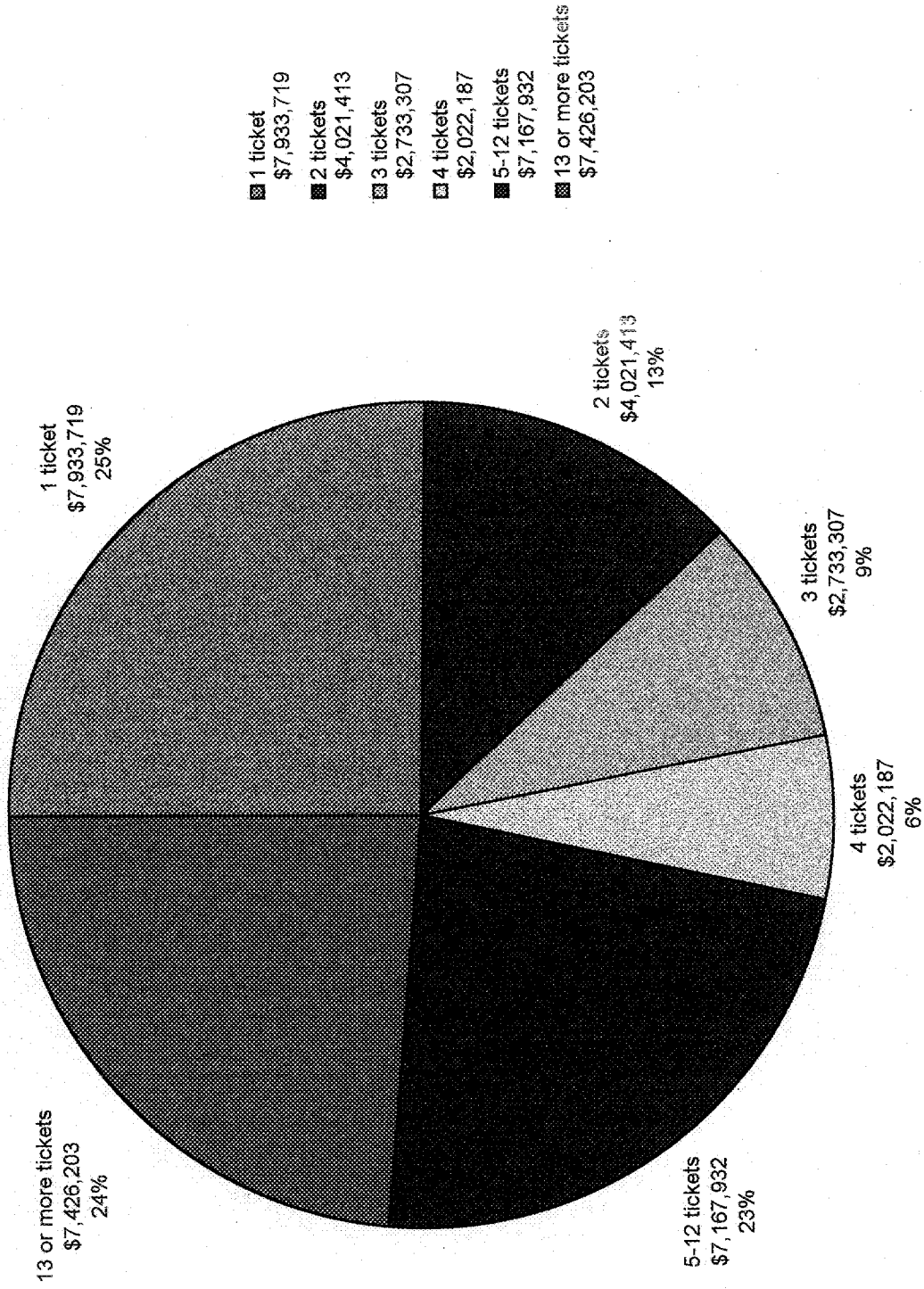
*City of Seattle Data Prepared by City Attorney's Office

TOTAL DWLS FILINGS FOR 1994-1996*



*City of Seattle Data Prepared by City Attorney's Office

Delinquent Parking Distribution by Number of Tickets Per Plate



SUMMARY OF SUSPENDED DRIVER/PARKING SCOFFLAW IMPOUND ORDINANCE

Driving While License Suspended (DWLS)

Any vehicle driven by a suspended driver is subject to impoundment. As summarized below, the period of impound and the requirements for release depend on the degree of suspension (1° and 2° are for serious offenses such as DUI, 3° is for failure to pay traffic tickets), the prior record of DWLS convictions in the preceding five years, and whether the suspended driver is also the registered owner. Prior to release of the vehicle, towing charges, administrative fees, and, if the driver is the owner, any delinquent traffic fines must be paid or alternative arrangements satisfactory to the court made. The vehicle may only be released to a person with a valid driver's license and insurance.

Current Offense	Prior Record	Minimum Impound Period*
DWLS 3°	None	None
	One	15 days
	Two or More	30 days
DWLS 1° or 2°	None	30 days
	One	60 days
	Two or More	90 days

(Sec. 4. 11.30.105). *State law sets maximum impound periods, but not minimums. These time periods correspond to the maximum permitted under state law, except for DWLS 3° with one prior where up to 30 days is permitted.

A vehicle may be released prior to the minimum impound period based upon the economic or personal hardship on a spouse or domestic partner due to the unavailability of the vehicle balanced against the threat to public safety if the vehicle is released. (Sec. 5. 11.30.120 (C)).

An administrative hearing is available to contest the validity of the impound within two business days of a written request if the vehicle is still in custody or within 90 days if the vehicle has been released. Due process and evidentiary standards for the hearing are established. The decision of the administrative hearing officer is appealable to the Municipal Court. There is no charge for the administrative hearing, but there is a filing fee for the Municipal Court appeal equal to that for filing small claims (currently \$39). If the vehicle owner prevails, all towing charges (and the filing fee if applicable) are paid by the City. (Sec. 5. 11.30.120 and Sec. 6. 11.30.160).

In addition to towing costs, an administrative fee in an amount to be determined by the City Council is assessed against the vehicle to offset City costs of enforcing and administering the ordinance. (Sec. 7. 11.30.290).

Parking Scofflaw

An illegally parked vehicle may be towed if there are at least three delinquent parking infractions against the vehicle. An infraction is delinquent if at least 45 days have passed from the date it was filed and the person has failed to request a hearing on the ticket, failed to appear at a requested hearing or failed to pay the ticket. The hearing process is the same as for suspended drivers. The vehicle may be redeemed by paying the tow charges and administrative fees. Due to state law, there is no minimum impound period and payment of delinquent parking tickets is not a condition of release.

01/13/98

16:00

SDPD STOP TEAM → 912066848284

NO. 438

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NOV. -25' 97 (TUE) 12:46

916 657 8282
DMV MEDIA RELATIONS

TEL: 916 657 8282

P. 001

DMV News Release

2415 First Avenue, Sacramento, CA 95818

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November 20, 1997

#14

Bill Gengler
Manager

Evan Nossoff
Information Officer

Auto Impoundment Law Reduces Accidents

Putting more hope into the effort to curb some of the most dangerous drivers on the road, chronic unlicensed and suspended drivers, a new California Department of Motor Vehicles study shows that impounding their vehicles reduces subsequent crashes by 38 percent and traffic convictions by 22 percent.

A 1995 law allows police to order a 30 day impoundment of vehicles driven by suspended and unlicensed drivers. DMV statisticians studied the impact of the law, finding that vehicle impoundment is having a significant impact on drivers long thought unreachable.

"That's good news for motorists," said DMV Director Sally Reed. "It means the roads are safer."

Earlier studies estimate that there are about one million suspended and another one million unlicensed California drivers at any given time. About 75 percent of them drive anyway, causing four times as many fatal accidents as the average driver.

The study looked at 13,000 drivers from Riverside, San Diego, Stockton and Santa Barbara. It compared the accident rate for those whose vehicles were impounded with a control group of similar drivers whose vehicles were not impounded. For first-time offenders, the subsequent accident rate fell 25 percent for those who had a vehicle impounded.

(more)

Auto Impoundment

Page 2

The drop was more dramatic for repeat offenders, plummeting 38 percent. That represents a highly significant reduction among the group traffic safety experts consider the most difficult to change.

The reduction for traffic convictions was similar, though less dramatic. First time offenders had 18 percent fewer tickets than first timers in the control group. For chronic offenders the drop was 22 percent.

Records show that more than 100,000 vehicles were impounded by authorities during the first year the law was enforced.

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website: <http://www.dmv.ca.gov>





City of Seattle

Paul Schell, Mayor

Office of the Mayor

September 1, 1998

Honorable Sue Donaldson, President
Seattle City Council
600 Fourth Avenue, 11th Floor
Seattle, WA 98104

Dear Council President Donaldson:

Attached for the Council's consideration is a proposed ordinance addressing two important and related problems; drivers who continue to drive despite suspension of their driver's license and those who continue to park illegally despite failing to respond to numerous prior parking tickets. Simply put, existing sanctions for these offenders have proven relatively ineffective and expensive to enforce. In both cases, we believe the answer lies in impounding the vehicle.

There are about 260,000 drivers in our state with suspended licenses. Many have been suspended for serious traffic crimes like drunk driving and many more for failure to pay their traffic tickets. The Traffic Safety Commission estimates that 75% of suspended drivers drive anyway. Worse yet, many are bad drivers, frequently uninsured. Suspended drivers are disproportionately involved in accidents and are four times more likely to be involved in a fatal accident than a licensed driver.

In addition to traffic safety risks, suspended drivers impose huge costs on our criminal justice system, comprising almost 30% of Municipal Court's criminal caseload (about 9,000 cases). More than half of those charged with Driving While License Suspended (DWLS) fail to appear for court, leading to arrest warrants and jail. In fact, booking on DWLS warrants is the single most common reason Seattle Police take people to jail. Add to the more than \$1 million annual jail costs, the police, prosecutor, court, and public defense costs associated with DWLS and the fiscal impact is clearly significant.

Last session, the Legislature authorized local governments, within certain parameters, to adopt ordinances providing for impoundment for a period of time of any vehicle driven by a suspended driver. The proposal we are submitting for your consideration is the product of an interdepartmental work group's efforts over the past few months. A summary of the ordinance is attached, but there are three simple underlying policy reasons for its adoption. First, "If you impound it, they will come." Impoundment is an immediate consequence that most people will want to avoid and when it occurs most people will do what is required to redeem their vehicles - such as pay their fines or make alternative arrangements with the court and get relicensed. Second, it is cheaper and more effective to lock up cars than to lock up people, particularly given scarce jail beds. Finally, it is simply unsafe to let suspended drivers drive away from the police with yet another ticket in their pocket to be ignored.

Council President Donaldson

September 1, 1998

Page 2

We believe Seattle can achieve results comparable to those reported by four California cities one year after they implemented a similar law. Chronic suspended drivers whose vehicles were impounded for 30 days had 38% fewer accidents and 22% fewer traffic crimes over the following year than those who were not impounded. In addition to greater traffic safety, fine revenue should go up and criminal justice costs down - a winning combination for the taxpayers.

The proposed ordinance also provides for impoundment of illegally parked "scofflaw" vehicles. Municipal Court reports that of the \$31 million in delinquent parking fines owed to the City in 1997, \$19 million was assessed against vehicles with three or more delinquent tickets, including \$7.5 million accrued by vehicles with 13 or more delinquent parking tickets (one with 804 tickets!). And because scofflaws take up parking meter space without paying for it, revenue is further reduced. This is not only unfair to others looking for parking, it hurts our business districts which count on parking turnover to facilitate shopping.

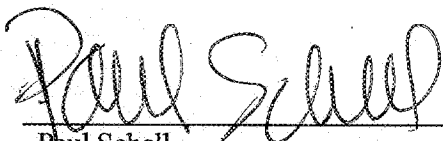
Here again we believe impoundment will change behavior for the better. The impact of being towed for a parking violation whenever the vehicle already has several delinquent parking tickets will break the cycle and induce many to pay their tickets or at least stop parking illegally. (Due to issues of state law, parking scofflaws [unlike DWLS] will not be required to pay off outstanding tickets in order to redeem their vehicles, but will have to pay the tow charges.)

The final fiscal analysis of the proposed ordinance will be available in time for the Council's budget deliberations, but we are confident that its impact will be at least neutral. Most of the implementation costs will be recovered through administrative fees paid by the vehicle owner in order to redeem the vehicle. Anticipated jail cost savings and increased traffic and parking fine revenue should be sufficient to cover other implementation costs.

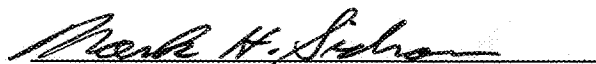
Finally, we believe that an important element of this new approach must be public education about the importance of responding to traffic and parking tickets and the consequences of failing to do so. We will be working with the State Traffic Safety Commission, Municipal Court, and the community to better inform the public about available options for those who receive tickets or owe fines and need help meeting their obligations. The one option those who continue to ignore their obligations will no longer have is driving their car.

We look forward to working with the Council to pass and implement these proposals.

Sincerely,



Paul Schell
Mayor



Mark H. Sidran
Seattle City Attorney

SUMMARY OF SUSPENDED DRIVER/PARKING SCOFFLAW IMPOUND ORDINANCE

Driving While License Suspended (DWLS)

Any vehicle driven by a suspended driver is subject to impoundment. As summarized below, the period of impound and the requirements for release depend on the degree of suspension (1° and 2° are for serious offenses such as DUI, 3° is for failure to pay traffic tickets), the prior record of DWLS convictions in the preceding five years, and whether the suspended driver is also the registered owner. Prior to release of the vehicle, towing charges, administrative fees, and, if the driver is the owner, any delinquent traffic fines must be paid or alternative arrangements satisfactory to the court made. The vehicle may only be released to a person with a valid driver's license and insurance.

Current Offense	Prior Record	Minimum Impound Period*
DWLS 3°	None	None
	One	15 days
	Two or More	30 days
DWLS 1° or 2°	None	30 days
	One	60 days
	Two or More	90 days

(Sec. 4. 11.30.105). *State law sets maximum impound periods, but not minimums. These time periods correspond to the maximum permitted under state law, except for DWLS 3° with one prior where up to 30 days is permitted.

A vehicle may be released prior to the minimum impound period based upon the economic or personal hardship on a spouse or domestic partner due to the unavailability of the vehicle balanced against the threat to public safety if the vehicle is released. (Sec. 5. 11.30.120 (C)).

An administrative hearing is available to contest the validity of the impound within two business days of a written request if the vehicle is still in custody or within 90 days if the vehicle has been released. Due process and evidentiary standards for the hearing are established. The decision of the administrative hearing officer is appealable to the Municipal Court. There is no charge for the administrative hearing, but there is a filing fee for the Municipal Court appeal equal to that for filing small claims (currently \$39). If the vehicle owner prevails, all towing charges (and the filing fee if applicable) are paid by the City. (Sec. 5. 11.30.120 and Sec. 6. 11.30.160).

In addition to towing costs, an administrative fee in an amount to be determined by the City Council is assessed against the vehicle to offset City costs of enforcing and administering the ordinance. (Sec. 7. 11.30.290).

Parking Scofflaw

An illegally parked vehicle may be towed if there are at least three delinquent parking infractions against the vehicle. An infraction is delinquent if at least 45 days have passed from the date it was filed and the person has failed to request a hearing on the ticket, failed to appear at a requested hearing or failed to pay the ticket. The hearing process is the same as for suspended drivers. The vehicle may be redeemed by paying the tow charges and administrative fees. Due to state law, there is no minimum impound period and payment of delinquent parking tickets is not a condition of release.

ORDINANCE _____

AN ORDINANCE relating to the impoundment of vehicles, amending Sections 11.30.040, 11.30.120, 11.30.160, 11.30.290, and 11.30.320 and adding a section to Chapter 11.30 of the Seattle Municipal Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City adopts the legislative findings of Washington Laws of 1998, chapter 203, section 1.

Section 2. The City Council finds that parking on the public right-of-way is regulated to promote traffic safety, enhance the smooth flow of traffic and, in certain areas of high demand for parking such as business districts, to fairly allocate parking spaces among the public by limiting parking time. Parking is also metered or limited in business districts to facilitate commerce by promoting frequent turnover for shopping rather than commuter or long-term parking, as well as to generate revenue from the use of the public right-of-way. Although the great majority of those receiving parking tickets respond appropriately, some vehicles are repeatedly ticketed for uncontested parking violations which are then not paid. Not only do such repeated violations defeat the purposes of the parking regulations, but they also deprive the City of significant revenue. In 1997, vehicles with three or more delinquent parking tickets owed the City more than \$19 million in unpaid fines and penalties, including \$7.5 million accrued by vehicles with 13 or more delinquent parking tickets each. Further revenue is lost insofar as many of these violations reflect parking at meters that were thus unavailable to drivers who would have paid for their parking had the space been available. The magnitude and intractability of this parking scofflaw problem has made it a local situation calling for a solution that will remove these vehicles from the public right-of-way to allow others to make lawful use of available parking spaces. Because a substantial number of parking violations are accrued by chronic offenders whose violations remain delinquent despite efforts by the Municipal Court to collect unpaid fines it is necessary to authorize impoundment of illegally parked vehicles with multiple outstanding delinquent tickets in order to effectively enforce the City's parking regulations.

Section 3. Section 11.30.040 of the Seattle Municipal Code (Ordinance 108200 § 2 (11.30.040), as last amended by Ordinance 117306 § 3) is further amended to read as follows:

11.30.040 When a vehicle may be impounded without prior notice.

A. A vehicle may be impounded with or without citation and without giving prior notice to its owner as required in Section 11.30.060 hereof only under the following circumstances:

1. When the vehicle is impeding or is likely to impede the normal flow of vehicular or pedestrian traffic; or
2. When the vehicle is illegally occupying a truck, commercial load zone, bus, loading, hooded-meter, taxi, or other similar zone where, by order of the Director of Engineering or Chiefs of Police or Fire, parking is limited to designated classes of vehicles or is prohibited during certain hours, on designated days or at all times, and where such vehicle is interfering with the proper and intended use of such zones; or

3. When a vehicle without a special license plate, card, or decal indicating that the vehicle is being used to transport a disabled person as defined under Chapter 46.16 RCW, as now or hereafter amended, is parked in a stall or space clearly and conspicuously marked as provided in Section 11.72.065 A, as now or hereafter amended, whether the space is provided on private property without charge or on public property; or

4. When the vehicle poses an immediate danger to the public safety; or

5. When a police officer has probable cause to believe that the vehicle is stolen; or

6. When a police officer has probable cause to believe that the vehicle constitutes evidence of a crime or contains evidence of a crime, if impoundment is reasonably necessary in such instance to obtain or preserve such evidence; or

7. When a vehicle is parked in a public right-of-way or on other publicly owned or controlled property in violation of any law, ordinance, or regulation and there are three (3) or more parking infractions issued against the vehicle for each of which a person has failed to respond, failed to appear at a requested hearing, or failed to pay an adjudicated parking infraction for at least forty-five (45) days from the date of the filing of the notice of infraction.

B. Nothing in this section shall be construed to authorize seizure of a vehicle without a warrant where a warrant would otherwise be required.

Section 4. Chapter 11.30 of the Seattle Municipal Code (Ordinance 108200, as amended) is further amended by adding the following section:

11.30.105 Impoundment of vehicle where driver is arrested for a violation of Section 11.56.320 or 11.56.340 -- Period of impoundment.

A. Whenever the driver of a vehicle is arrested for a violation of Section 11.56.320 or 11.56.340, the vehicle is subject to impoundment at the direction of a police officer.

B. If a vehicle is impounded because the driver is arrested for a violation of Section 11.56.320 D and the Washington Department of Licensing's records show that the driver has been convicted one (1) time of a violation of RCW 46.20.342 or similar local ordinance within the past five (5) years, the vehicle shall be impounded for fifteen (15) days.

C. If a vehicle is impounded because the driver is arrested for a violation of Section 11.56.320 D and the Washington Department of Licensing's records show that the driver has been convicted two (2) or more times of a violation of RCW 46.20.342 or similar local ordinance within the past five (5) years, the vehicle shall be impounded for thirty (30) days.

D. If a vehicle is impounded because the driver is arrested for a violation of Section 11.56.320 B or C and the Washington Department of Licensing's records show that the driver has not been convicted of a violation of RCW 46.20.342(1)(a) or (b) or similar local ordinance within the past five (5) years, the vehicle shall be impounded for thirty (30) days.

E. If a vehicle is impounded because the driver is arrested for a violation of Section 11.56.320 B or C and the Washington Department of Licensing's records show that the driver has been convicted one (1) time of a violation of RCW 46.20.342(1)(a) or (b) or similar local ordinance once within the past five (5) years, the vehicle shall be impounded for sixty (60) days.

F. If a vehicle is impounded because the driver is arrested for a violation of Section 11.56.320 B or C and the Washington Department of Licensing's records show that the driver has been convicted of a violation of RCW 46.20.342(1)(a) or (b) or similar local ordinance two (2) or more times within the past five (5) years, the vehicle shall be impounded for ninety (90) days.

Section 5. Section 11.30.120 of the Seattle Municipal Code (Ordinance 108200 § 2 (11.30.120), as last amended by Ordinance 117306 § 7) is further amended to read as follows:

11.30.120 Redemption of impounded vehicles.

Vehicles impounded by the City shall be redeemed only under the following circumstances:

A. Only the registered owner, a person authorized by the registered owner, or one who has purchased the vehicle from the registered owner, who produces proof of ownership or authorization and signs a receipt therefor, may redeem an impounded vehicle. A person redeeming a vehicle impounded pursuant to Section 11.30.105 must prior to redemption establish that he or she has a valid driver's license and is in compliance with Section 11.20.340. A vehicle impounded pursuant to Subsection 11.30.040 A7 or Section 11.30.105 can be released only pursuant to a written order from the police department or a court.

B. Any person so redeeming a vehicle impounded by the City shall pay the towing contractor for costs of impoundment (removal, towing, and storage) and administrative fee prior to redeeming such vehicle (~~((except as provided for by subsection C of this section))~~). Such towing contractor shall accept payment as provided in RCW 46.55.120(1)(b), as now or hereafter amended. If the vehicle was impounded pursuant to Section 11.30.105 and was being operated by the registered owner when it was impounded, it may not be released to any person until all penalties, fines, or forfeitures owed by the registered owner have been satisfied.

C. The Chief of Police is authorized to release a vehicle impounded pursuant to Section 11.30.105 prior to the expiration of any period of impoundment upon petition of the spouse of the driver, or the person registered pursuant to Ordinance 117244 as the domestic partner of the driver, based on economic or personal hardship to such spouse or domestic partner resulting from the unavailability of the vehicle and after consideration of the threat to public safety that may result from release of the vehicle, including, but not limited to, the driver's criminal history, driving record, license status, and access to the vehicle. If such release is authorized, the person redeeming the vehicle still must satisfy the requirements of Section 11.30.120 A and B.

D. (~~((C.))~~) Any person seeking to redeem a vehicle impounded as a result of a parking or traffic citation has a right to a (~~((Municipal Court))~~) hearing before an administrative hearings officer to contest the validity of an impoundment or the amount of removal, towing, and storage charges or administrative fee if such request for hearing is in writing, in a form approved by the Chief of Police (~~((Municipal Court))~~) and signed by such person, and is received by the Chief of Police within ten (10) days (including Saturdays, Sundays, and holidays) of the latter of the date the notice was mailed to such person pursuant to Section 11.30.100 A or B, or the date the notice was given to such person by the registered tow truck operator pursuant to RCW 46.55.120(2)(a) ((Municipal Court within the time period specified in SMC Section 11.31.050 A, as now or hereafter amended))). Such hearing shall be provided as follows:

1. If all of the requirements to redeem the vehicle, including expiration of any period of impoundment under Section 11.30.105, have been satisfied, then ((In the event that the person seeking to redeem an impounded vehicle pays the costs of impoundment (towing and storage),)) the impounded vehicle shall be released ((to such person)) immediately and a hearing as provided for in Section 11.30.160 shall be held within ninety (90) days of the written request for hearing.

2. If not all of the requirements to redeem the vehicle, including expiration of any period of impoundment under Section 11.30.105, have been satisfied, then ((In the event that the person seeking to redeem an impounded vehicle does not pay the costs of impoundment (towing and storage),)) the impounded vehicle shall not be released ((to such person)) until after the hearing provided pursuant to Section 11.30.160, which shall be held ((- Such person shall have the right to a hearing)) within two

(2) business days (excluding Saturdays, Sundays and holidays) ~~(((Monday through Friday)))~~ of the written request ~~((to the court))~~ for hearing.

3. Any person seeking a hearing who has failed to request such hearing within the time specified in Section 11.30.120 D ~~((SMC Section 11.31.050 A, as now or hereafter amended,))~~ may petition the Chief of Police ~~((Municipal Court))~~ for an extension to file a request for hearing. Such extension shall only be granted upon the demonstration of good cause as to the reason(s) the request for hearing was not timely filed. For the purposes of this section, good cause shall be defined as ~~((one (1) or more))~~ circumstances beyond the control of the person seeking the hearing that prevented such person from filing a timely request for hearing ~~((within the time specified in SMC Section 11.31.150 A, as now or hereafter amended))~~. In the event such extension is granted, the person receiving such extension shall be granted a hearing in accordance with this chapter.

4. ~~If ((In the event))~~ a person fails to file a timely request for hearing and no ~~((within the time specified by SMC Section 11.31.050 A, as now or hereafter amended, and/or has not received an))~~ extension to file such a request has been granted, the right to a hearing is waived, the impoundment and the associated costs of impoundment and administrative fee are deemed to be proper, and ~~((for such hearing as provided in this section,))~~ the City shall not be liable for removal, towing, and storage charges arising from the impoundment.

5. In accordance with RCW 46.55.240(1)(d), a decision made by an administrative hearings officer may be appealed to Municipal Court for final judgment. The hearing on the appeal under this subsection shall be de novo. A person appealing such a decision must file a request for an appeal in Municipal Court within fifteen (15) days after the decision of the administrative hearings officer and must pay a filing fee in the same amount required for the filing of a suit in district court. If a person fails to file a request for an appeal within the time specified by this section or does not pay the filing fee, the right to an appeal is waived and the administrative hearings officer's decision is final.

Section 6. Section 11.30.160 of the Seattle Municipal Code (Ordinance 108200 § 2 (11.30.160), as last amended by Ordinance 115634 § 3) is further amended to read as follows:

11.30.160 Post-impoundment hearing procedure.

Hearings requested pursuant to Section 11.30.120 shall be held by an administrative hearings officer, who ~~((in the municipal court, which court))~~ shall determine whether the impoundment was proper and whether the associated removal, towing, ((and/or)) storage, and administrative fees ~~((and/or special fees charged in such connection))~~ were proper. The administrative hearings officer shall not have the authority to determine the commission or mitigation of any parking infraction unless a timely response under Section 11.31.050 A was filed to that notice of infraction requesting a hearing and the hearing date for that infraction has not passed, in which case the administrative hearings officer has discretion to consolidate the impoundment hearing and the notice of infraction hearing.

A. At the hearing, an abstract of the driver's driving record is admissible without further evidentiary foundation and is prima facie evidence of the status of the driver's license, permit, or privilege to drive and that the driver was convicted of each offense shown on the abstract. In addition, a certified vehicle registration of the impounded vehicle is admissible without further evidentiary foundation and is prima facie evidence of the identity of the registered owner of the vehicle.

B. ~~((A-))~~ If the impoundment is found to be proper, the administrative hearings officer ~~((court))~~ shall enter an order so stating. In the event that the costs of impoundment (removal, towing, and storage ~~((, and special fees)))~~ and administrative fee have not been paid or any other applicable requirements of Section 11.30.120 B have not been satisfied or any period of impoundment under Section 11.30.105 has not expired, the administrative hearings officer's ~~((, the court's))~~ order shall also provide that the

impounded vehicle shall be released only after payment to the City of any fines imposed on any ((the)) underlying traffic or parking infraction and satisfaction of any other applicable requirements of Section 11.30.120 B ((citation)) and payment of the costs of impoundment and administrative fee to the towing company and after expiration of any period of impoundment under Section 11.30.105. In the event that the administrative hearings officer ((court)) grants time payments, the City shall be responsible for paying the costs of impoundment to the towing company. The administrative hearings officer ((court)) shall grant time payments only in cases of extreme financial need, and where there is an effective guarantee of payment.

C. ~~((B-))~~ If the impoundment is found to be improper, the administrative hearings officer ((court)) shall enter an order so stating and order the immediate release of the vehicle. If the costs of impoundment and administrative fee have already been paid, the administrative hearings officer ((court)) shall enter judgment against the City and in favor of the person who has paid the costs of impoundment and administrative fee in the amount of the costs of the impoundment and administrative fee.

D. ~~((C-))~~ In the event that the administrative hearings officer ((court)) finds that the impound was proper, but that the removal, towing, storage, or administrative ((and/or special)) fees charged for the impoundment were improper, the administrative hearings officer ((court)) shall determine the correct fees to be charged. If the costs of impoundment and administrative fee have been paid, the administrative hearings officer ((court)) shall enter a judgment against the City and in favor of the person who has paid the costs of impoundment and administrative fee for the amount of the overpayment.

E. No determination of facts made at a hearing under this section shall have any collateral estoppel effect on a subsequent criminal prosecution and such determination shall not preclude litigation of those same facts in a subsequent criminal prosecution.

F. An appeal of the administrative hearings officer's decision in Municipal Court shall be conducted according to, and is subject to, the procedures of this section. If the court finds that the impoundment or the removal, towing, storage, or administrative fees are improper, any judgment entered against the City shall include the amount of the filing fee.

Section 7. Section 11.30.290 of the Seattle Municipal Code (Ordinance 117306 § 11) is amended to read as follows:

11.30.290 Contract for towing and storage -- Administrative ((Impound)) fee.

A. If a vehicle is impounded pursuant to Section 11.30.105, an administrative fee of (reserved) Dollars (\$ reserved) shall be levied when the vehicle is redeemed under the specifications of the contract provided for by Section 11.30.220.

B. If a vehicle is impounded pursuant to Subsection 11.30.040 A7, an administrative fee of (reserved) Dollars (\$ reserved) shall be levied when the vehicle is redeemed under the specifications of the contract provided for by Section 11.30.220.

C. If a vehicle is impounded other than pursuant to Subsection 11.30.040 A7 or Section 11.30.105, an administrative ((A)) fee of (reserved) Dollars (\$reserved) shall be levied when the ((upon each)) vehicle is redeemed under the specifications of the contract provided for by ((SMC)) Section 11.30.220.

D. The administrative fee shall be collected by the contractor performing the impound, and shall be remitted to the Executive Services Department in the manner directed by the Finance Director and as specified in the contract provided by ((SMC)) Section 11.30.220 A. The administrative fee shall be for the purpose of offsetting, to the extent practicable, the cost to the City of implementing, enforcing, and

administering the provisions of this chapter ~~((City's tow contract administration costs))~~ and shall be deposited in an appropriate account.

Section 8. Section 11.30.320 of the Seattle Municipal Code (Ordinance 108200 § 2 (11.30.320), as last amended by Ordinance 117169 § 131) is further amended to read as follows:

11.30.320 Rules and regulations.

The Finance Director and the Chief of Police are ~~((is))~~ authorized and directed to promulgate rules and regulations consistent with this chapter, the Charter of the City, and the Administrative Code of the City, to provide for the fair and efficient administration of any contract or contracts awarded pursuant to Section 11.30.220 and to provide for the fair and efficient administration of any vehicle impoundment, redemption, or release or any impoundment hearing under this chapter.

Section 9. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 1998, and signed by me in open session in authentication of its passage this _____ day of _____, 1998.

President _____ of the City Council

Approved by me this _____ day of _____, 1998.

Mayor

Filed by me this _____ day of _____, 1998.

City Clerk

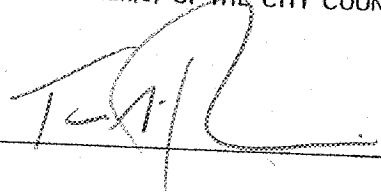
(Seal)

NEW SECTION. Sec. 1. The legislature finds that the license to drive a motor vehicle on the public highways is suspended or revoked in order to protect public safety following a driver's failure to comply with the laws of this state. Over six hundred persons are killed in traffic accidents in Washington annually, and more than eighty-four thousand persons are injured. It is estimated that of the three million four hundred thousand drivers' licenses issued to citizens of Washington, more than two hundred sixty thousand are suspended or revoked at any given time. Suspended drivers are more likely to be involved in causing traffic accidents, including fatal accidents, than properly licensed drivers, and pose a serious threat to the lives and property of Washington residents. Statistics show that suspended drivers are three times more likely to kill or seriously injure others in the commission of traffic felony offenses than are validly licensed drivers. In addition to not having a driver's license, most such drivers also lack required liability insurance, increasing the financial burden upon other citizens through uninsured losses and higher insurance costs for validly licensed drivers. Because of the threat posed by suspended drivers, all registered owners of motor vehicles in Washington have a duty to not allow their vehicles to be driven by a suspended driver.

TIME AND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY
THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:



FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO:

PRESIDENT'S SIGNATURE

STATE OF WASHINGTON - KING COUNTY

99029

—ss.

City of Seattle, City Clerk

No. ORD. IN FULL

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORD 119180

was published on

11/05/98

The amount of the fee charged for the foregoing publication is the sum of \$, which amount has been paid in full.

Subscribed and sworn to before me on

Notary Public for the State of Washington,
residing in Seattle

04701-9-EA Probate Notice to Creditors (RCW 11.40.030) N. F. JACKSON, Whatcom County Superior Court Clerk

AN ORDINANCE relating to the impoundment of vehicles; amending Sections 11.30.040, 11.30.120, 11.30.160, 11.30.220, and 11.30.320 and adding a section to Chapter 11.30 of the Seattle Municipal Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City adopts the legislative findings of Washington Laws of 1998, chapter 203, section 1.

Section 2. The City Council finds that parking on the public right-of-way is regulated to promote traffic safety, enhance the smooth flow of traffic and, in certain areas of high demand for parking such as business districts, to fairly allocate parking spaces among the public by limiting parking time. Parking is also metered or limited in business districts to facilitate commerce by promoting frequent turnover for shopping rather than commuter or long-term parking, as well as to generate revenue from the use of the public right-of-way. Although the great majority of those receiving parking tickets respond appropriately, some vehicles are repeatedly ticketed for uncorrected parking violations which are then not paid. Not only do such repeated violations defeat the purposes of the parking regulations but they also deprive the City of significant revenue. In 1997, vehicles with three or more delinquent parking tickets owed the City more than \$10 million in unpaid fines and penalties, including \$7.5 million accrued by vehicles with 13 or more delinquent parking tickets each. Further revenue is lost insofar as many of these violators reflect parking at meters that were thus unavailable to drivers who would have paid for their parking had the space been available. The magnitude and intractability of this parking scofflaw problem has made it a local situation calling for a solution that will remove these vehicles from the public right-of-way to allow others to make lawful use of available parking spaces. Because a substantial number of parking violations are accrued by chronic offenders whose violations remain delinquent despite efforts by the Municipal Court to collect unpaid fines it is necessary to authorize impoundment of illegally parked vehicles with multiple outstanding delinquent tickets in order to effectively enforce the City's parking regulation.

Section 3. Section 11.30.040 of the Seattle Municipal Code (Ordinance 108200 § 2 (11.30.040), as last amended by Ordinance 117306 § 3) is further amended to read as follows:

11.30.040 WHEN A VEHICLE MAY BE IMPOUNDED WITHOUT PRIOR NOTICE

A. A vehicle may be impounded with or without citation and without giving prior notice to its owner as required in Section 11.30.060 hereof only under the following circumstances:

1. When the vehicle is impeding or is likely to impede the normal flow of vehicular or pedestrian traffic; or

2. When the vehicle is illegally occupying a truck, commercial load zone, bus, load zone, hooked meter, taxi, or other similar

B. Any person seeking to redeem a vehicle impounded by the City shall pay the towing contractor for costs of impoundment (removal, towing, and storage) and administrative fee prior to redeeming such vehicle (if, except as provided for by subsection C of this section). Such towing contractor shall accept payment as provided in RCW 46.55.120(1)(b), as now or hereafter amended. If the vehicle was impounded pursuant to Section 11.30.105 and was being operated by the registered owner when it was impounded, it may not be released to any person until all penalties, fines, or forfeitures owed by the registered owner have been satisfied.

C. The Chief of Police is authorized to release a vehicle impounded pursuant to Section 11.30.105 prior to the expiration of any period of impoundment upon petition of the owner of the vehicle, or the person who received the vehicle pursuant to Ordinance 117243 as the domestic partner of the driver, based on evidence of personal hardship to such spouse or domestic partner resulting from the unavailability of the vehicle and after consideration of the threat to public safety that may result from the release of the vehicle, including but not limited to the driver's criminal history, driving record, license status, and access to the vehicle. If such release is authorized, the person redeeming the vehicle still must satisfy the requirements of Section 11.30.120 A and B.

D. (C) Any person seeking to redeem a vehicle impounded as a result of a parking or traffic citation has a right to a (Municipal Court) hearing before an administrative hearing officer to contest the validity of an impoundment or the amount of removal, towing, and storage charges or administrative fee if such request for hearing is in writing, in a form approved by the Chief of Police (Municipal Court) and signed by such person, and is received by the Chief of Police within ten (10) days (including Saturdays, Sundays, and holidays) of the date of the last notice was mailed to such person pursuant to Section 11.30.100 A or B, or the date the notice was given to such person by the registered tow truck operator pursuant to RCW 46.55.120(2)(a) (Municipal Court within the time period specified in SMC Section 11.31.050 A, as now or hereafter amended). Such hearings shall be provided as follows:

1. If all of the requirements to redeem the vehicle, including expiration of any period of impoundment under Section 11.30.105, have been satisfied, then (in the event that the person seeking to redeem an impounded vehicle pays the costs of impoundment (towing and storage), the impounded vehicle shall be released (to such person) immediately and a hearing as provided for in Section 11.30.160 shall be held within ninety (90) days of the written request for hearing.

2. If not all of the requirements to redeem the vehicle, including expiration of any period of impoundment under Section 11.30.105, have been satisfied, then (in the event that the person seeking to redeem an impounded vehicle does not pay the costs of impoundment (towing and storage), the impounded vehicle shall not be released (to such person) until after the hearing provided pursuant to Section 11.30.160, which shall be held (to such person) within two (2) business days (excluding Saturdays, Sundays, and holidays) (Monday through Friday) of the written request (to the court) for hearing.

3. Any person seeking a hearing who has failed to request such hearing within the time specified in Section 11.30.120 D (SMC Section 11.31.050 A, as now or hereafter amended) may petition the Chief of Police (Municipal Court) for an extension to file a request for hearing. Such extension shall only be granted upon the demonstration of good cause as to the reasons the request for hearing was not timely filed. For the purposes of this section, good cause shall be defined as (one (1) or more) circumstances beyond the control of the person seeking the hearing that prevented such person from filing a timely request for hearing (within the time specified in SMC Section 11.31.050 A, as now or hereafter amended). In the event such extension is granted, the person receiving such extension shall be granted a hearing in accordance with this chapter.

4. If (in the event) a person fails to file a timely request for hearing and no

F. An appeal of the administrative hearing officer's decision in Municipal Court shall be conducted according to, and is subject to, the procedures of this section. If the court finds that the impoundment or the removal, towing, storage, or administrative fees are improper, any judgment entered against the City shall include the amount of the filing fee.

Section 7. Section 11.30.290 of the Seattle Municipal Code (Ordinance 117306 § 11) is amended to read as follows:

11.30.290 CONTRACT FOR TOWING AND STORAGE - ADMINISTRATIVE (IMPOUND) FEE

A. If a vehicle is impounded pursuant to Section 11.30.105, an administrative fee (of reserved) Dollars (\$ reserved) shall be levied when the vehicle is redeemed under the specifications of the contract provided for by Section 11.30.220.

B. If a vehicle is impounded pursuant to Subsection 11.30.040 A, an administrative fee (of reserved) Dollars (\$ reserved) shall be levied when the vehicle is redeemed under the specifications of the contract provided for by Section 11.30.220.

C. If a vehicle is impounded other than pursuant to Subsection 11.30.040 A or Section 11.30.105, an administrative fee (of reserved) Dollars (\$ reserved) shall be levied when the (upon each) vehicle is redeemed under the specifications of the contract provided for by (SMC) Section 11.30.220.

D. The administrative fee shall be collected by the contractor performing the impound, and shall be remitted to the Executive Services Department in the manner directed by the Finance Director and as specified in the contract provided by (SMC) Section 11.30.220 A. The administrative fee shall be for the purpose of offsetting, to the extent practicable, the cost to the City of implementing, enforcing, and administering the provisions of this chapter (City's low contract administration costs) and shall be deposited in an appropriate account. THE ADMINISTRATIVE FEES SHALL BE SET BY RULE BY THE FINANCE DIRECTOR IN AN AMOUNT NOT TO EXCEED ONE HUNDRED DOLLARS (\$100).

Section 8. Section 11.30.320 of the Seattle Municipal Code (Ordinance 108200 § 2 (11.30.320), as last amended by Ordinance 117169 § 131) is further amended to read as follows:

11.30.320 RULES AND REGULATIONS

The Finance Director and the Chief of Police are (is) authorized and directed to promulgate rules and regulations consistent with this chapter, the Charter of the City, and the administrative Code of the City, to provide for the fair and efficient administration of any contract or contracts awarded pursuant to Section 11.30.220 and to provide for the fair and efficient administration of any vehicle impoundment, redemption, or release or any impoundment hearing under this chapter.

Section 9. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 12th day of October, 1998, and signed by me in open session in authentication of its passage this 12th day of October, 1998.

SUE DONALDSON, President of the City Council.

Approved by me this 19th day of October, 1998.

PAUL SCHELL, Mayor. Filed by me this 20th day of October, 1998.

(Seal) JUDITH E. PIPPIN, City Clerk. Publication ordered by JUDITH PIPPIN, City Clerk. (Boldface denotes deletion.)

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